IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Appeal against Order No. 94 of 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. J.B. Kasat, Advocate for the Appellants.
Mr. V.M. Deshpande, Advocate for Respondent No. 1.

CORAM : A.H. JOSHI, J.

DATED : 15th November, 2006.

1. Heard respective Advocates.

2. The appellants, who are original plaintiffs, who have challenged the order below Exh.188, by which the learned Trial Judge had granted injunction against the plaintiffs as to alienation as well as as to disturbing peaceful possession of defendant no.1 over area of 7 acres out of land Survey No. 24 [Gat 48] admeasuring 8 hectares and 83 Are.

3. The case proceeds on undisputed facts, namely :

[a] even according to plaintiffs, possession of Defendant No.1 over the disputed portion existed, and

[b] the plaintiffs did not secure possession of the suit property, subject-matter, by following due course of law.

4. In the aforesaid admitted premises, now the plaintiffs claim that the defendant no.1 had vacated the suit land and he has entered in possession. This claim of the plaintiffs is disputed by the defendant no. 1.

5. In the light of plaintiffs' admission of possession of defendant no.1 in immediate past, reliance on entries relating to cultivation carries no significance.

6. In this background, this Court does not find any infirmity in the order impugned.

7. Appeal from Order has no merit. It is, therefore, dismissed.

Judge

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